

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Modesto Cintron

v.

Case No. 05-cv-329-PB

United States of America

O R D E R

I intended to sentence the defendant to 57 months of imprisonment. While I was willing to recommend that the defendant be given the opportunity to participate in the Intensive Confinement Program ("ICP"), I understood that it would be up to the Bureau of Prisons ("BOP") to decide whether to assign the defendant to the program. I would not have given the defendant a different sentence even if I had been informed at sentencing that the BOP would not assign the defendant to the ICP because the program was going to be eliminated. Because the premise that underlies the defendant's motion is false, his motion is denied.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

October 27, 2005

cc: Glenn Geiger, Esq.
Donald Feith, Esq.
Terry Ollila, Esq.